

Sec. 30. ASSESSMENT FOR CERTAIN CHILDREN. The department of education shall develop and recommend and the state board of education shall adopt by July 1, 1993, rules which provide an alternative assessment mechanism for children who meet age and educational development criteria generally accepted for placing a child in third or a lesser grade. Rules adopted shall require that the assessment mechanism utilize observation, anecdotal description of a child's achievement, samples of the child's work, and other samples of data relating to the child's academic performance, and shall include requirements relating to collection and evaluation of the information. In developing the alternative assessment mechanism, the department shall review and consider available home schooling data and shall consult with any available committees, councils, or task forces, and home schooling practitioners or research organizations which are working on or have experience in the assessment of children who have been placed under home instruction. The department shall also develop any recommendations for legislation deemed necessary to implement the alternative assessment mechanism.

Sec. 31. Sections 299.13 and 299.14, Code 1991, are repealed.

Approved May 23, 1991

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## CHAPTER 201

### SCHOOLS — BUS DRIVERS — CHILD ABUSE INVESTIGATION PROCEDURES

*H.F. 698*

**AN ACT** relating to school bus driver education and qualifications, establishing a fund for school bus driver and passenger safety programs, and providing for a fee.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.376, Code 1991, is amended to read as follows:

**321.376 LICENSE — PERMIT — INSTRUCTION REQUIREMENT.**

1. The driver of a school bus shall hold a school bus driver's permit issued annually by the department of education and a driver's license issued by the department valid for the operation of the school bus. The department of education shall charge a fee for the issuance of a school bus driver's permit in the amount of five dollars, which shall be deposited in the general fund of the state. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department shall revoke or refuse to issue a permit to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for the revocation and issuance of permits to persons. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation of, or refusal to issue, permits to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

2. A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter. If an employee fails to provide an employer with a certificate of completion of the required school bus driver's course, the driver's employer shall report the failure to the department of education and the employee's school bus driver's permit shall be revoked. The department of education shall send notice of the revocation of the employee's permit to both the employee and the employer. A person whose school bus driver's permit has been revoked under this

section shall not be issued another school bus driver's permit until certification of the completion of an approved school bus driver's course is received by the department of education.

3. The department of education shall submit an annual budget request, separately from the department's annual operating budget request, in an amount not to exceed the amount collected by the department for the issuance of annual school bus driver permits. Funds requested shall be designated for purposes of establishing and conducting approved courses of instruction for school bus drivers and for school bus passenger safety programs. The department shall recommend rules for adoption by the state board of education relating to the assessment and collection of funds from the school bus driver fee and relating to distribution of funds for approved courses of instruction.

Sec. 2. RULEMAKING. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules which shall be effective by January 1, 1992, which require local school districts to immediately notify the parent, guardian, or legal custodian of a child, that the child is being questioned as provided under section 280.17 and permit the parent, guardian, or legal custodian to be present during the questioning.

Approved May 23, 1991

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## CHAPTER 202

### OPEN ENROLLMENT — ELIGIBILITY FOR ATHLETICS

*S.F. 184*

**AN ACT** relating to open enrollment, permitting students whose former district of residence was dissolved and merged with contiguous districts to participate immediately in athletics, and providing for the Act's applicability.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 282.18, subsection 15, Code 1991, is amended to read as follows:

15. A pupil who participates in open enrollment for purposes of attending a grade in grades ten through twelve in a school district other than the district of residence is not eligible to participate in interscholastic athletic contests and athletic competitions during the first year of enrollment under this section ~~except for the pupil may participate in an interscholastic sport in which the district of residence and the other school district jointly participate, or unless~~ when the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, if the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services. However, a pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year prior to March 10, 1989, is eligible to participate in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended.